

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)  
[Enter your name, address and telephone number]



MITCHELL HOROWITZ  
21 OTTAWA RD N  
MORGANVILLE, NJ 07751-1348

(732) 915-0217

In Re:  
[Enter the debtor's name(s)]

Dawn Cuccolo

**FILED**  
JEANNE A. NAUGHTON, CLERK

SEP - 6 2022

U.S. BANKRUPTCY COURT  
TRENTON, NJ  
BY W. J. [Signature] DEPUTY

Case No.: 21-172-77  
[Enter the case number]  
Chapter: 13  
[Enter the chapter]  
Hearing Date: 10-12-22  
[Enter the hearing date]  
Judge: Kaplan  
[Enter the judge's last name]

**CERTIFICATION OF LANDLORD IN SUPPORT  
OF MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

I, [Enter the name of the person that has personal knowledge of the facts set forth below]

Mitchell Horowitz, landlord in the above captioned case, submits this

Certification in support of the Motion for Relief from the Automatic Stay filed on [Enter the date the  
motion was filed] 9.2.22.

1. I am fully familiar with the debtor's rental payment history because I am the landlord of the  
property rented by the debtor.

2. The property is located at: [Enter the address of the property] 637 Windflower Ct. Morganville, NJ 07751

3. The debtor filed for bankruptcy on [Enter the date the debtor filed their petition] 9-15-2021

4. Pre-petition *[check one]*:

- ☒ I started an eviction action in the New Jersey state court and a copy of the complaint is attached as Exhibit A, or
- ☐ I did not start an eviction action.

5. Pre-petition *[check one]*:

- ☐ I obtained a Judgment for Possession and a copy of the Judgment is attached as Exhibit B, or
- ☒ I did not obtain a Judgment for Possession

6. I am seeking relief from the automatic stay to *[check all that apply]*:

- ☒ enforce the Judgment of Possession;
- ☒ pursue my state court rights because of the debtor's nonpayment of rent;
- ☒ pursue my state court rights because of debtor's endangerment of the property in the 30 days before the petition date *[explain below]*

*partial non payment of rent. Debtor keeps my property filthy, unkempt and much damage*

- ☐ pursue my state court rights because the debtor illegally used, or allowed to be used, controlled substances on the property in the thirty (30) days before the petition date *[explain below]*

☒ other *[explain]* *I have a buyer, contract signed since 6/2/2022. She does not acknowledge me when I contact her. - see letter attached*

7. The amount of the debtor's monthly rental payment is \$ 2,900.00.

8. Pre-petition, the debtor owed rent totaling \$ 1,905.00, which represents *partial* unpaid rent for 3 months.

9. The debtor's post-petition payment history is as follows [Enter requested information for each payment due]:

	Amount Due	Payment Due Date	Date Payment Received	Amount Received	How Payment Was Applied
1	\$ 635	7/1/22	6/25/22	2,265	Bank Check
2	\$ 635	8/1/22	7/26/22	2,265	Bank Check
3	\$ 635	9/1/22	8/26/22	2,265	Bank Check
4	\$ 50	7/1/22	—	—	—
5	\$ 50	8/1/22	—	—	—
6	\$ 50	9/1/22	—	—	—
7					
8					
9					
10					
11					
12					

10. Post-petition, the debtor owes rent totaling \$ 1,905, which represents unpaid rent for 3 months, plus late charges totaling \$ 150.00.

11. The debtor's failure to pay rent is cause for relief from the automatic stay.

12. Through this motion, I request relief from the automatic stay so I may initiate or continue an action in the state court to remove debtor from the rented premises.

I certify under penalty of perjury that the above is true.

Date: 9/1/2022  
[Enter the date this document is signed]

Mitchell Hry  
Signature of Landlord